

Attachment to Independent Case Review Report  
For CDRU # 1282 Case file # 26-TP-27922.

Material Examiner: Malone (RO)

Remarks:

Case resulted in trial for Kohut and Rourk. Transcript provided.  
Case resulted in guilty plea for Pellett.

CRM - 10855

# INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fibers

Review commenced at: 9:00 AM (Time), 11/07/01 (Date)

File #: 26A-TP-27922  
(95A-HQ-1043718)

Laboratory #(s): 30113028  
30115002

### Examiner(s) & Symbols

|                           | Reviewed                            | Not Reviewed                        |       | Reviewed                 | Not Reviewed             |
|---------------------------|-------------------------------------|-------------------------------------|-------|--------------------------|--------------------------|
| <u>RQ</u>                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>TD, UD, ZT, ZZ, ZC</u> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                     | <input type="checkbox"/>            | <input type="checkbox"/>            | _____ | <input type="checkbox"/> | <input type="checkbox"/> |

### Materials Reviewed

Trial testimony transcript(s) of: Michael Malone

Testimony Date(s): 1993 ? Pages: 2200-2288

Laboratory Report(s):

|   |                           |
|---|---------------------------|
| Laboratory Number: <u>30113028/30115002</u> | Date: <u>Feb 11, 1993</u> |
| Laboratory Number: _____                    | Date: _____               |
| Laboratory Number: _____                    | Date: _____               |

Examiner Bench Notes of: RQ and unknown technicians

Laboratory Number: 30113028  
30115002

Page 1 of 4

Initials: SMA

CRM - 10856

Was any other material reviewed?  Yes  No

If yes, please identify and/or describe the material: submitting agency letters dated 1-12-93 and 1-14-93  
and itemized list of evidence submitted showing apparent evidence transfer within FBI Lab

### Results of Review

File #: 26A-TP-27922 Item or Specimen # Reviewed: Q5, Q7-Q15, Q39-Q42, Q47, Q52-

Q59, Q63-Q73, Q75, Q77-Q82, Q84-Q91, K11-K14

#### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
 Yes  No  Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
 Yes  No  Unable to Determine

#### Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- Transcript not available.
- 3) Testimony consistent with the laboratory report(s)?  Yes  No  Unable to Determine
  - 4) Testimony consistent with the bench notes?  Yes  No  Unable to Determine
  - 5) Testimony within bounds of examiner's expertise?  Yes  No  Unable to Determine

Page 2 of 4

Initials: *SM*

Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

File #: 26A-TP-27922

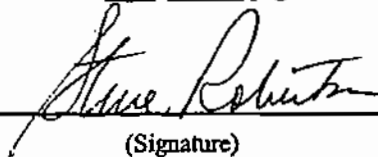
#1: The fiber examinations were limited to looking for a transfer of carpet fibers from the victim's Cadillac to the suspects' Blazer and not vice versa. The examiner testifies (p 2277, #21 to p 2279, #11) that he didn't look for a carpet fiber transfer from the suspects' Blazer to the victim's Cadillac because he wasn't asked to and (p 2286, #5-18) because there is such a low probability of an indirect transfer like that taking place. If the probability of that type of transfer is so low, then one must wonder why he searched for carpet fibers from the Cadillac in the Blazer in the first place. A senior examiner should know to conduct analysis he feels may be important to the case without being asked, or to at least discuss it with the investigator, even if the probability of detecting a transfer is low.

#1: With microscopic hair comparison, one cannot determine from the notes that the examination was conducted in an appropriate manner.

Review completed at: 2:45 PM (Time), 11/07/2001 (Date)

Total time spent conducting review (to nearest 1/4 hour): 5.75 hr.

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

  
(Signature)

11/07/2001

(Date)

Page 3 of 4

Initials: 

Additional Comments  
(Set forth by question #, if applicable)

File #: 26A-TP-27922

#2: Documentation is poor. The notes are not dated or initialed and are in pencil instead of ink. The technicians fail to document the recovery of hairs and fibers from most of the Q items. Some abbreviations are used with no explanation of their meaning.

#3: Testimony (p 2214, #5) was given that a small hair fragment found on Q1 was examined. The report makes no reference to this hair and its examination.

#4: Testimony (p 2214, #5) was given that a small hair fragment found on Q1 was examined. Documentation of this hair and its examination were not found in the case notes

#4: The examiner testifies he found 2 brown and 1 white Caucasian head hairs in the victim's Cadillac (p 2224, #21). The case notes indicate that Q53 (vacuum sample from Cadillac) had 1 brown and 2 white Caucasian head hairs, Q85(back of rear seat of Cadillac) had 1 brown and 1 white Caucasian head hairs and Q86 (carpet rear floor of Cadillac) had 1 brown Caucasian head hair.

#4: Testimony (p 2227, #19) was "it was impossible to do any type of hair and fiber exam on the shirt"...."it was too badly charred". The examination notes show that hairs were recovered from Q39 (victim's charred shirt) and were examined. The hairs were identified (assuming the examiner's notes are interpreted correctly) as 1 brown limb hair of Caucasian origin that is not suitable for comparison and 1 animal hair.

#4: The examiner testifies (p 2236, #1) that the carpet in the suspects' and victim's vehicles are very similar, however, that is not documented in his notes.

Page 4 of 4

Initials: SEM

Attachment to Independent Case Review Report  
For CDRU # 1282 Case file # 26-TP-27922.

Material Examiner: Lasswell (TD)

Remarks:

Case resulted in trial for Kohut and Rourk. Transcript provided.  
Case resulted in guilty plea for Pellett.

CRM - 10857

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Allan N. Walters

Area(s) of Expertise: Accelerant analysis

Review commenced at: 1:20 (Time), 5.12.01 (Date)

File #: 26-TP-27922

Laboratory #(s): 30113028 S RQ TD VD

30115002 S/D RQ TD UD ZT ZZ ZC

Examiner(s) & Symbols

|                     | Reviewed                            |                          | Not Reviewed             |                          |
|---------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|                     | Reviewed                            | Not Reviewed             | Reviewed                 | Not Reviewed             |
| <u>Lasswell(TD)</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| _____               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| _____               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Materials Reviewed

Trial testimony transcript(s) of: Lasswell (TD)

Testimony Date(s): not listed Pages: 2522-2569

Laboratory Report(s): 30113028 S RQ TD VD 6/11/93

Laboratory Number: 30115002 S/D RQ TD UD ZT ZZ ZC 6/11/93

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Examiner Bench Notes of: Lasswell (TD)

Laboratory Number: 30113028 S RQ TD VD

Laboratory Number: 30115002 S/D RQ TD UD ZT ZZ ZC

Laboratory Number: \_\_\_\_\_

Page 1 of 3

Initials: AW

Was any other material reviewed?  Yes  No

If yes, please identify and/or describe the material: GC & GC/MS instrument printouts

### Results of Review

File #: 26TP27922

Item or Specimen # Reviewed: Q2, Q4, Q5, Q7, Q8-10,

Q11-Q17, Q39-Q44, Q47, Q51, Q52, Q57-Q62, Q82, Q84-Q86,  
Q95, Q96.

#### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
 Yes  No  Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
 Yes  No  Unable to Determine

#### Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

Transcript not available.

- 3) Testimony consistent with the laboratory report(s)?  Yes  No  Unable to Determine
- 4) Testimony consistent with the bench notes?  Yes  No  Unable to Determine
- 5) Testimony within bounds of examiner's expertise?  Yes  No  Unable to Determine

Page 2 of 3

Initials AW



**Comments**

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

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Review completed at: 3:20 (Time), 5/22/01 (Date)

Total time spent conducting review (to nearest 1/4 hour): 2 hrs

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 3 pages.

Allan J. Walters     5/22/01  
(Signature)                      (Date)

Page 3 of 3

Initials AW